

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

NICHOLAS MARTIN

PLAINTIFF

NO. 3:19CV00075-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court are Plaintiff's motion [19] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [20]. For the reasons set out below, the motion is granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying claims for benefits. By Final Judgment [18] dated July 10, 2020, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks \$5,800.00 in fees for attorney work before this Court on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not "substantially justified." The Commissioner does not oppose the requested award.

The Court, having thoroughly considered the motion, response, and the applicable law, finds the requested award is reasonable; and no special circumstance would make the award unjust. Consistent with *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), however, the check should be made payable to Plaintiff.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay to Plaintiff \$5,800.00 in attorney fees for the benefit of his counsel.

This 19th day of October, 2020.

/s/ Jane M. Virden
U.S. MAGISTRATE JUDGE